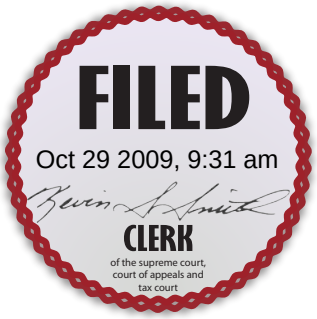

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IN THE
COURT OF APPEALS OF INDIANA

RICHARD S. MEADOWS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 38A01-0906-CR-282
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE JAY SUPERIOR COURT
The Honorable Max C. Ludy, Jr., Judge
Cause No. 38D01-0806-FD-76

October 29, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

DARDEN, Judge

STATEMENT OF THE CASE

Richard Meadows appeals his conviction following a bench trial for invasion of privacy as a class D felony.[1]

We affirm.

ISSUE

Whether there is sufficient evidence to support the conviction.

FACTS

Meadows and Mary E. Graham-Meadows filed a petition for dissolution on January 17, 2006, in Jay County. Mary continued to live in the marital residence at 386 West Washington in Dunkirk.

On May 5, 2008, Meadows went to the Dunkirk Police Department and met with Chief of Police Dane Mumbower. He explained to Officer Mumbower that he had been conditionally released on pre-trial provided that was to have no contact with Mary. Specifically, his bond provided that he was to "refrain from having any direct or indirect contact with Mary Meadows—386 W. Washington, Dunkirk, IN." (State's Ex. 2).

Meadows told Officer Mumbower that jail personnel had informed him that "he needed to have a police officer go with him to his residence to gather personal items." (Tr. 40). He therefore requested Officer Mumbower's assistance in retrieving his personal property from the marital residence.

Officer Mumbower "explained to him that . . . [he] could go to the house with him and help him get his things, but . . . after that instance there he was to have no contact

[1] Ind. Code § 35-46-1-15.1.

with Mary." (Tr. 42). Meadows indicated that he understood that he "wasn't to have any contact with" Mary. (Tr. 66).

Officer Mumbower drove Meadows to the marital residence; determined that Mary was not at home; and allowed Meadows to enter the residence in order to retrieve some belongings. Meadows' mother then picked him up from the residence.

Meadows again went to the police department the next day and requested Officer Mumbower's assistance in retrieving his truck, which was parked in front of the marital residence. Officer Mumbower agreed and went to the marital residence to "see if Mary was home." (Tr. 45). Officer Mumbower found Mary at the home and had her go inside the residence. Once she was inside, Officer Mumbower advised Meadows, who had been waiting in Officer Mumbower's patrol vehicle, that he could retrieve his truck. Meadows did so and left soon thereafter.

Later that afternoon, Meadows and his mother returned to the marital residence; Mary was not home. Meadows retrieved additional items from the residence and changed the locks to the door. As he and his mother were loading items into their trucks, Mary returned home. Upon seeing them, she telephoned 911.

On June 11, 2008, the State charged Meadows with invasion of privacy as a class D felony. The trial court conducted a bench trial on April 22, 2009, after which it found Meadows guilty as charged. The trial court sentenced him eighteen months, with three months suspended.

DECISION

Meadows asserts that the evidence is insufficient to support his conviction for invasion of privacy. Specifically, he argues that he "reasonably relied on the official interpretation of the meaning of the no contact order and cannot be charged with violating the no contact order when following the police chief's interpretation of the no contact order." Meadows' Br. at 3.

Indiana Code section 35-46-1-15.1(5) provides that a person, who knowingly or intentionally violates "a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion" and has a prior unrelated conviction for an offense under that section, commits invasion of privacy as a class D felony. "A person engages in conduct 'intentionally' if, when he engages in the conduct, it is his conscious objective to do so." I.C. § 35-41-2-2(a). "A person engages in conduct 'knowingly' if, when he engages in the conduct, he is aware of a high probability that he is doing so." I.C. § 35-41-2-2(b).

> When reviewing the sufficiency of the evidence to support a conviction, appellate courts must consider only the probative evidence and reasonable inferences supporting the verdict. It is the fact-finder's role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction. To preserve this structure, when appellate courts are confronted with conflicting evidence, they must consider it most favorably to the trial court's ruling. Appellate courts affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. It is therefore not necessary that the evidence overcome every reasonable hypothesis of innocence. The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict.

Drane v. State, 867 N.E.2d 144, 146-47 (Ind. 2007) (quotations and citations omitted).

Meadows contends that, based on Officer Mumbower's "official interpretation of the no contact order," he believed "he was allowed to be in the house when Mary . . . was not present . . . ." Meadows' Br. at 5. In support of his argument, he cites to *Cox v. Louisiana*, 379 U.S. 559 (1965), *reh'g denied*.

In *Cox*, the chief of police specifically gave Cox permission to demonstrate across the street from the courthouse. The State later convicted Cox of violating a statute prohibiting picketing near a courthouse. The Supreme Court, however, reversed, finding that "under all the circumstances of [this] case, after the public officials acted as they did, to sustain appellant's later conviction for demonstrating where they told him he could 'would be to sanction an indefensible sort of entrapment by the State—convicting a citizen for exercising a privilege which the State had clearly told him was available to him.'" 379 U.S. at 571 (quoting *Raley v. Ohio*, 360 U.S. 423, 426 (1959)).

We do not find this case to be analogous. Officer Mumbower did not inform Meadows that he could return to the marital residence at a later time. Rather, he told Meadows that "[he] could go to the house with him and help him get his things, but . . . after that instance there he was to have no contact with Mary." (Tr. 42). Thus, we cannot say that the State failed to present sufficient evidence that Meadows knowingly or intentionally committed invasion of privacy.

Affirmed.

ROBB, J., and MATHIAS, J., concur.